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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

10
11 METROPOLITAN LIFE INSURANCE
COMPANY, a New York corporation,

12 Plaintiff,

13 vs.

14 ACDF, LLC, a California limited liability
15 company, et al.,

16 Defendants.

Lead Case No. 1:24-cv-01261-KES-SAB

Consolidated with Case Nos:
1:24-cv-01226; 1:24-cv-01230; 1:24-cv-
01231; 1:24-cv-01232; 1:24-cv-01233; 1:24-
cv-01235; and 1:24-cv-01241

**EX PARTE APPLICATION TO
SHORTEN TIME ON RECEIVER'S
MOTION FOR APPROVAL OF SALE
PROCEDURES; DECLARATION OF ZEV
SHECHTMAN IN SUPPORT THEREOF**

Judge: Hon. Kirk E. Sherriff

Hearing:

Date: To be determined

Time: To be determined

Place: Robert E. Coyle U.S. Courthouse
2500 Tulare Street
Courtroom 6, 7th Floor
Fresno, CA 93721

- 17 ☒ Affects All Cases
18 ☐ Affects Metropolitan Life Ins. Co. v.
19 ACDF, LLC, et al., 1:24-cv-01261
20 ☐ Affects Metropolitan Life Ins. Co. v.
FNF Farms, LLC, et al., 1:24-cv-01226
21 ☐ Affects Metropolitan Life Ins. Co. v. C
& A Farms, LLC, et al., 1:24-cv-01230
22 ☐ Affects Metropolitan Life Ins. Co. v.
23 Maricopa Orchards, LLC, et al., 1:24-
cv-01231
24 ☐ Affects Brighthouse Life Ins. Co. v.
Kamm South, LLC, et al., 1:24-cv-
25 01232
26 ☐ Affects Brighthouse Life Ins. Co. v.
Manning Avenue Pistachios, LLC, et
27 al., 1:24-cv-01233 Case No. 1:24-cv-
01233
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- ☐ Affects Brighthouse Life Ins. Co. v. ACDF, LLC, et al., 1:24-cv-01235
- ☐ Affects MetLife Real Estate Lending, LLC v. Panoche Pistachios, LLC, et al., 1:24-cv-01241

Phillip Christensen, as Receiver in the above-captioned action (the “Receiver”), hereby applies ex parte to shorten time on the Receiver’s contemporaneously filed motion (the “Motion” or “Sale Procedures Motion”) for entry of an order approving procedures for the sale of property of the Receivership estates in these Receivership Cases (the “Sale Procedures” and “Sale Procedures Order”).

This ex parte application is brought pursuant to Local Rule 144 and the Standing Order of this Court, and is based on the attached declaration of the Receiver’s counsel and the following facts:

1. The Sale Procedures set forth in the contemporaneously filed Sale Procedures Motion and Order (attached as Exhibit 1 thereto) include, inter alia:

a. Approval of a template of a listing agreement with the Receiver’s choice of real estate broker, Pearson Realty (“Pearson” or the “Broker”) (the “Listing Agreement”) with respect to the Receivership real properties (collectively, the “Subject Properties” and each a “Subject Property”).

b. Requirements for the marketing and notice of sale of the Subject Properties.

c. Requirements for parties to qualify as potential bidders of the Subject Properties including to participate in a potential auction as to each of the Subject Properties.

d. Provisions for potential stalking horse bids.

e. Procedures concerning the scheduling of an Auction and Sale Hearing (as defined in the Sale Procedures).

2. Regular notice of the Sale Procedures Motion would mean that the earliest hearing date on the Sale Procedures Motion would be in late March. Waiting until that time for entry of the Sale Procedures Order would be inconsistent with the fulfillment of the Receiver’s duties to

1 maximize the value of the Subject Properties and to preserve the resources of these estates.
2 Moreover, approval of the Sale Procedures is just the first step in a comprehensive process for the
3 sale of the Subject Properties including more expansive notice required under 28 U.S.C. §§ 2001
4 and 2002, appropriately provided for in the proposed Sale Procedures.

5 3. As set forth in the attached declaration of Zev Shechtman, the Receiver's counsel
6 met and conferred with all attorneys entitled to notice in this case, and received no opposition to
7 the shortening of time for the Sale Procedures Motion.

8 4. The Receiver respectfully requests that the Court hold the hearing on February 25,
9 2025, February 27, 2025, or March 3, 2025.

10
11 Based on the foregoing, the Receiver respectfully requests that the Court enter an order
12 granting this application and setting the Motion for hearing on shortened time.

13 DATED: February 19, 2025

SAUL EWING LLP

14
15 By:



16 ZEV SHECHTMAN

17 Attorneys for Phillip Christensen, as Receiver
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DECLARATION OF ZEV SHECHTMAN

I, Zev Shechtman, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts in the State of California and admitted in this Court. I am a partner with Saul Ewing LLP, counsel of record for Phillip Christensen, as Receiver in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to such facts under oath.

2. The facts stated in the Ex Parte Application are true and correct to the best of my knowledge, information and belief.


3. The Motion for which the Receiver requests a hearing on shortened time seeks approval of the Sale Procedures described in the Sale Procedures Motion. This is but the first step in a comprehensive marketing and notice process that will culminate in Sale Hearings and potential Auctions of the Subject Properties at least four weeks after the hearing on the Sale Procedures Motions.

4. I have met and conferred with the parties in this case as follows: On February 13, 2025, I sent an email to all of the attorneys on the master service list in this case summarizing the relief sought and notifying them that the Receiver would seek shortened notice. I advised that I would request that the hearing be held on or about February 25, 2025, or the soonest date thereafter available to the Court (I am not available on February 26, 2025).

5. I asked that the parties provide any objections, including as to the shortening of notice, to me by February 18, 2025, at noon. I immediately received two reply emails requesting a copy of the proposed order. On February 15, 2025, I sent to the same parties a copy of the proposed order, substantially the same as what is filed attached to the Sale Procedures Motion as Exhibit 1.

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6. As of the morning of February 19, 2025, no one has replied with an opposition or other comments.


Zev Shechtman

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this case. My business address is: **Saul Ewing 1888 Century Park East, Suite 1500, Los Angeles, CA 90067.**

A true and correct copy of the document entitled: **Ex Parte Application to Shorten Time on Receiver's Motion for Approval of Sale Procedures; Declaration of Zev Shechtman in Support Thereof** will be served or was served on the judge in chambers in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING

(NEF): The foregoing document will be served by the court via NEF and hyperlink to the document. On **February 19, 2025**, I checked the CM/ECF docket for this case and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On **February 19, 2025**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):

Pursuant to F.R.Civ.P. 5 on **February 19, 2025**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:

Honorable Kirk E. Sherriff
United States District Court, Eastern District of California
Robert E. Coyle Federal Courthouse
2500 Tulare Street, First Floor Clerk's Office
Fresno, CA 93721

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 19, 2025	Hannah Richmond	/s/ Hannah Richmond
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- **Mark Anishchenko**
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3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (continued) :

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